

# FISCAL NOTE

**Bill #:** HB0358

**Title:** Revise laws governing municipal and justice courts

**Primary Sponsor:** Lange, M

**Status:** As Amended in House Committee

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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## Fiscal Summary

	<b><u>FY 2004 Difference</u></b>	<b><u>FY 2005 Difference</u></b>
<b>Expenditures:</b>		
General Fund	\$0	\$0
<b>Revenue:</b>		
General Fund	\$0	\$0
<b>Net Impact on General Fund Balance:</b>	\$0	\$0

<input checked="" type="checkbox"/> Significant Local Gov. Impact	<input checked="" type="checkbox"/> Technical Concerns
<input type="checkbox"/> Included in the Executive Budget	<input checked="" type="checkbox"/> Significant Long-Term Impacts
<input type="checkbox"/> Dedicated Revenue Form Attached	<input type="checkbox"/> Needs to be included in HB 2

## Fiscal Analysis

1. This bill revises training requirements for municipal court judges (Section 3) and justices of the peace (Section 10). In both sections, judges and justices of the peace are to be reimbursed for actual and necessary expenses and costs incurred in attending continuing judicial or legal education courses. Reimbursement will come from the appropriate local government.
2. In first class counties (as provided in 7-1-2111, MCA) a justice court would be established as a court of record and subsequently considered a county court.
3. A court of record is a court that maintains court-reporting equipment/personnel and provides transcription of cases heard before the court. In general, justice courts do not provide court-reporting services.
4. Converting a court of limited jurisdiction to a court of record is an expensive change. Amounts for this conversion are not available at this time. They could be obtained by a request for proposal.
5. The board of county commissioners would be the deciding party for which courts in first class counties would be converted to county courts (from courts of limited jurisdiction to courts of record).
6. Section 8 prescribes the appeal process for county court judgments to the District Court. The appeals do not need to be tried anew, which may reduce the number of appeals before a jury in District Courts.
7. The cost of providing the records on appeal (transcripts and all papers filed in the action) is assumed to be at the cost of the county.

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(continued)

8. Each District Court judge maintains a docket of cases awaiting action in a court. The number of jury trials per year will remain materially constant.
9. As amended, there is no fiscal impact to the state as a result of this bill.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

As stated in assumption #4, the costs of converting a court of limited jurisdiction to a court of record is an expensive change, but both the amounts to convert a single court and the number of courts that will be converted are unknown at this time. As amended (deletion of section 9, amending 3-10-601, MCA), the costs for these conversions are the responsibility of the counties.

TECHNICAL NOTES:

Section 3 and Section 10 do not reference who is responsible for reimbursement of training, although Section 6, which amends 3-10-203, MCA, indicates the county is responsible for justice of the peace training. It may be helpful to clarify that reimbursement will come from the appropriate local government.